

United States District Court

FILED

NORTHERN

DISTRICT OF

CALIFORNIA

JUN 25 2007

UNITED STATES OF AMERICA

v.

MANUEL DEJESUS-PINEDA

a/k/a JUAN GARCIA

(Name and Address of Defendant)

Venue: SAN FRANCISCO

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CRIMINAL COMPLAINT

ORIGINAL

BZ

CASE NUMBER:

3:07 70366

I, the undersigned complainant being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about July 9, 2001, in San Mateo County, in the Northern District of California, the defendant did, willfully and knowingly make a false statement in an application for a passport with intent to induce or secure the issuance of a passport under the authority of the United States, either for his own use or the use of another, contrary to the laws regulating the issuance of passports or the rules prescribed pursuant to such laws in violation of Title 18 United States Code, Section 1542, False Statement in a Passport Application.

I further state that I am a Special Agent and that this complaint is based on the following facts:

See attached Affidavit in Support of Criminal Complaint

Maximum Penalties:

Title 18 USC Section 1542:

10 years of imprisonment; \$250,000 fine; 3 years supervised release; and \$100 special assessment fee

APPROVED AS TO FORM:

Derek Owens, SAUSA

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Warrant of Arrest Requested:

☒ Yes ☐ No

Bail Amount: _____

Signature of Complainant, Jeffrey C. Dubsick

Sworn to before me and subscribed in my presence,

June 5, 2007

Date

at San Francisco, California

City and State

Bernard Zimmerman

United States Magistrate Judge

Name & Title of Judicial Officer

Signature of Judicial Officer

UNITED STATES DISTRICT COURT)
)
) ss. AFFIDAVIT
NORTHERN DISTRICT OF CALIFORNIA)

**AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT
CHARGING MANUEL DEJESUS-PINEDA, a/k/a JUAN GARCIA
WITH VIOLATING 18 U.S.C. § 1542;
FALSE STATEMENT IN APPLICATION FOR A PASSPORT**

I, Jeffrey C. Dubsick, being duly sworn, depose and state:

Affiant Background

1. I am a Special Agent employed by the Diplomatic Security Service (DSS) which is an agency of the United States State Department. DSS Special Agents are empowered under Title 22 U.S.C. § 2709 to investigate passport fraud and to apply for and serve arrest warrants.

2. I have a bachelor's degree from the University of California and am a graduate of the Federal Law Enforcement Training Center's Criminal Investigator Training Program. I have been employed by DSS since December 2004, and have received and receive, on an ongoing basis, training in the laws, rules and regulations concerning passports. My previous investigations have resulted in 32 convictions for passport fraud or a related offense.

Purpose of Affidavit

3. This affidavit establishes probable cause to arrest MANUEL DEJESUS-PINEDA, also known as JUAN GARCIA, for False Statement in Application for a Passport, in violation of 18 U.S.C. § 1542, when he applied for a passport and falsely stated his name was JUAN GARCIA and his place of birth was Texas, when his true name is MANUEL DEJESUS-PINEDA and he was actually born in Mexico.

4. This affidavit is based in part upon my personal knowledge, interviews, and the review of various records and documents obtained during this investigation. This affidavit sets forth only those material facts that I believe are necessary to establish probable cause. It does not include each and every fact of this investigation.

Relevant Statute

5. The Passport Act of 1926, as amended, was in full force and effect throughout the period of this investigation. This Act, codified in 22 U.S.C. § 211a, authorized the United States Secretary of State to grant and issue United States passports under rules prescribed by the President and/or other federal laws. Some of these rules are that a person wanting a United States passport must complete and submit an application to the

State Department and must submit proof of American citizenship, usually a birth certificate, and proof of identity, usually a driver's license and Social Security Number, with their application. Another rule allows officers at United States Post Offices to accept passport applications, and to then forward them to the State Department for processing.

6. Title 18 U.S.C. § 1542 states, in pertinent part, "Whoever willfully and knowingly makes any false statement in an application for a passport with intent to induce or secure the issuance of a passport under the authority of the United States, either for their own use or the use of another, contrary to the laws regulating the issuance of passports or the rules prescribed pursuant to such laws...shall be fined under this title...or imprisoned not more than 10 years...or both." Title 18 U.S.C. § 3291 provides for a ten year statute of limitations for passport offenses.

Facts Supporting Probable Cause

7. On or about July 9, 2001, a person purporting to be JUAN GARCIA submitted an application for a United States passport at the Daly City, CA, Post Office, which is located in the Northern District of California. A review of this application and other State Department records disclosed this person submitted a Texas birth certificate bearing the name of JUAN GARCIA, and that he listed the following information, in sum:

Name: JUAN GARCIA

Place of Birth: McAllen, Texas

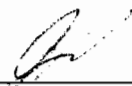
8. This application was referred to DSS for criminal investigation because of the existence of fraud indicators.

9. On April 9, 2007, I interviewed the person purporting to be JUAN GARCIA. This person told me that he was the passport applicant and that his true name was MANUEL DEJESUS-PINEDA, not JUAN GARCIA. He also told me he was born in El Salvador, not Texas, and that he obtained the JUAN GARCIA birth certificate from a friend/roommate. He told me that he was the passport applicant who submitted the GARCIA passport application.

Conclusion

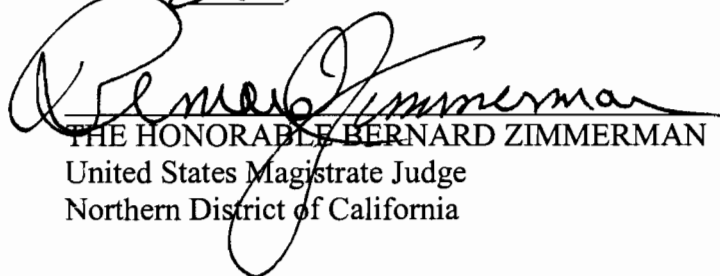
10. Based on the facts and information detailed in the affidavit, I believe probable cause exists that MANUEL DEJESUS-PINEDA, also known as JUAN GARCIA, made a false statement in a passport application, in violation of 18 U.S.C. § 1542, when he falsely stated his name was JUAN GARICA and his place of birth was Texas on the aforementioned passport application, which was submitted at the Daly City Post Office in the Northern District of California. As such, I respectfully request a warrant for his arrest.

Under penalty of perjury, I swear that the foregoing is true and correct to the best of my knowledge, information and belief.



Jeffrey C. Dubsick
Special Agent
Diplomatic Security Service
San Francisco Field Office

SUBSCRIBED AND SWORN BEFORE ME
ON June 25, 2007



THE HONORABLE BERNARD ZIMMERMAN
United States Magistrate Judge
Northern District of California